

1
2
3
4 JUANITA SNEED,
5 Plaintiff,

6 v.
7 CHRISTIAN B. ANDERSON, et al.,
8 Defendants.

9 Case No. 14-cv-03292-JST
10
11

**ORDER OF DISMISSAL FOR FAILURE
TO PROSECUTE**

Re: ECF No. 33

12 On February 4, 2015, the Court issued an order to show cause why Plaintiff Juanita
13 Sneed's complaint should not be dismissed with prejudice pursuant to Rule 41(b). ECF No. 33.

14 As recounted in that order, the Court had previously issued an order to show cause why
15 Plaintiff Juanita Sneed should not be sanctioned for her failure to appear at the case management
16 conference that occurred on December 17, 2014 at 2:00 P.M. ECF No. 27. The Court had set the
17 order to show cause hearing for January 29, 2015 at 2:00 P.M, but Plaintiff failed to appear at that
18 hearing. Therefore, the Court found that Plaintiff had failed to present good cause for her failure
19 to appear at the case management conference and sanctioned Plaintiff \$50. ECF No. 33. The
20 Court stayed the imposition of these sanctions pending further order of the Court. Id.

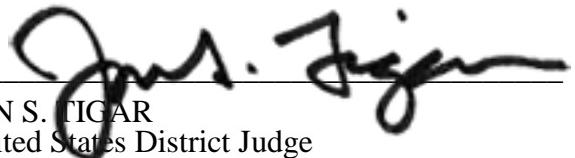
21 As a result of these failures, the Court issued an order to show cause why the complaint
22 should not be dismissed with prejudice pursuant to Rule 41(b), in light of the ineffectiveness of
23 monetary sanctions, Plaintiff's failure to appear at two consecutive hearings, and Plaintiff's
24 apparent abandonment of the prosecution of the action. Id. The Court ordered Plaintiff to file a
25 written response no later than March 2, 2015. Id. Plaintiff has not filed any response.

26 The Court having considered the five factors set forth in Malone v. United States Postal
27 Service, 833 F.2d 128, 130 (9th Cir. 1987), and having determined that notwithstanding the public
28 policy favoring the disposition of actions on their merits, the Court's need to manage its docket

1 and the public interest in the expeditious resolution of the litigation require dismissal of this
2 action. In view of plaintiff's lack of response to the Court's prior orders to show cause, and the
3 ineffectiveness of monetary sanctions, the Court finds there is no appropriate less drastic sanction.
4 Accordingly, this action is dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(b) for
5 plaintiff's failure to prosecute.

6 **IT IS SO ORDERED.**

7 Dated: March 9, 2015

8 
9 JON S. TIGAR
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California